

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-0782
(410) 962-2698 FAX

August 21, 2015

MEMO TO COUNSEL RE: David R. Burt, et al. v. Wolfgang Maasberg, et al.
Civil No. JFM-12-464

Dear Counsel:

I have reviewed the memoranda submitted in connection with the Burts' motion for summary judgment on the O&D defendants' counterclaim.

The motion (document 224) is granted. I am somewhat concerned about the allegation in the original Complaint that the Burts were only seeking "damages incurred by the Plaintiffs after the date of the Settlement Agreement." (Paragraph 257). This allegation implied that the Burts' claims have arisen before the Release was signed but that the Burts were only seeking damages for the time period after the Release was signed. That said, I am satisfied that the release was only for past claims (even if they matured after the Release was signed), and that all the iterations of the Complaint assert claims that arose only for post-release claims. That, of course, is what Judge Hollander ruled. In my mind, as defendants argue, that is not dispositive because Judge Hollander's ruling was an interlocutory one which I have the power to modify. However, I respect Judge Hollander's judgment, and I do not believe that her ruling should be modified.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge